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G. R. S. App. F. IX-4]

194 2-

File No. 63-42.

Previous References.
CS 63-42-1e 2 (C.S.)
4 DCP 67/41

Serial Nos. 1 e 2

Later References.
C.S. 46-43-1-2
CS. 16-53(1-2)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2.

2. 16-

Part B for February 43

SUBJECT.

Amendments of byelaws of the Land Mortgage Bank

To, The Regr of C.S.

SC 2)

No. A.F. 3883 D 22-1-43

Amends the Byelaws

B. P. Krishna
10/3/43.

1819 / A Fr.

GOVERNMENT OF MYSORE.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

50/3CS

~~XXXXXX~~ Encls Two only

Dated Bangalore, 19th November 1942.

C3 63-42/1

15-41(23)
ref 67-41

From

K. Subba Rao, Esqr., B.A , LL.B.,
Registrar of Co-operative Societies
in Mysore, B a n g a l o r e.

20 NOV. 1942

To

GENERAL SECRETARY.
20 NOV. 1942

The Secretary to Government of
Mysore, General Department,
B a n g a l o r e.

Sir,

I have the honour to forward, herewith, a copy of letter No.S.I.518 dated 5/6th November 1942 received from the secretary of the Mysore Central Co-operative Land Mortgage Bank, Ltd., Bangalore City, together with a copy of the enclosure thereto, in the matter of the amendments to byelaws Nos.65 (a) 63, 64 (d), 64 (e), 68, 85 and 82 of the byelaws of the Bank passed at the general meeting of the Bank held on 27-9-1942. As these amendments are necessary for the proper working of of the Bank as explained in the ~~society's~~ Secretary's letter, I recommend that they may be approved.

I have the honour to be,
Sir,
Your most obedient servant,

K. Subba Rao
Registrar.

jsp.14/11.

1) It is submitted that when the Registrar last year forwarded his a brief communication some proposals for amendments certain byelaws of the Central L.M. Bank he was, in this office letter dated 15-1-42, (Copy R) intimated to forward separate recommendations on each subject explaining in detail with full particulars about the necessity for acceptance or otherwise of the amendments proposed by the Bank

2) Inspite of this instruction the Registrar has forwarded the proposals of the Bank in a brief Communication on more than one subject. Office letter inviting reference to the letter of the 15th January 1942 and calling for separate proposals

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on each helpful is held to adopt or other ways

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24/11/[illegible]

3) This letter to the Registrar is
not necessary. After all all these amendments
except the last are all connected and consequent
on how the proposal to have a Vice President
please work on the merits of the proposal

[illegible]
24/4

4) The present proposals of the Bank are to amend
the bylaws Nos 65(a), 63, 64(a), 64(c), 68, 85 and 82 of
this bylaws Bank. Except No 82 the rest
relate to the amendment consequent on the proposal
to appoint a Vice President. From the existing bylaws
it is seen that the bylaw 63 relates to the number
of office bearers, 64 to the powers of the President
65 to the appt and the power of the Treasurer
and 68 and 85 to the consequential powers of the President.
In the proposed change the appointment of a Vice
President is proposed to be made as per bylaws 65(a)
while his powers are mentioned in bylaw 64 (a) and (c)
To mention the powers first and the manner of
later would not seem to be in consonance with the
sequence of the bylaws. The proper place for the
proposed amendment of 65(a) would be between bylaw 63 and
64 being bylaw 63A. and the present bylaw 65(b).
renumbered as 65. If this were to be done then the
other amendments proposed would be in order to be
forwarded. Until this amendment is adopted in proper
order or sequence, the acceptance of the amendments
to the bylaws No 64(a) 64(c) 68 and 85 does not seem
to be desirable since the existing provisions of the Co Act
Govt can either accept an amendment or reject it
but they have no powers either to add or alter the same.
Thus Change of the bylaws from 65(a) to 63A and
consequential change of bylaws 65(b) as 65 would mean
the alteration of a bylaw, the power of alteration being
vested only in the General body. and not in Govt

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Serial No.

The bylaws will, then, have to be referred back to the general body to recast them in the manner suggested and forward the same with their approval for orders of Govt.

5) As regard bylaw 82 the present proposal is to include one more item of consideration of subjects received from the members of the Bank. The time of receipt of the subjects by the Bank is proposed to be the end of August. Last time when the Bank sent the same subject only a notice of seven days only was required. The amendment was not accepted because it would contravene the provision of the bylaw No 86 which gave fifteen days' clear notice for a general meeting. In the present proposal, to amend the bylaw 82, for including the item for consideration of any subjects received in the Bank from the members by the end of August preceding the general meeting, the words of "end of August" do not seem to be sufficiently specific. These words are included on the assumption that the general meeting will come off in September every year. One cannot be sure that the meeting will come off only in September. It may be possible for the Bank to hold its meetings earlier or the Bank may be obliged, by circumstances beyond their control, to hold the same even in October or November. Most of the general meetings held previously were done with

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—28-10-41

Bye-Laws of the L.M. Bank 1819

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File No. 63 of 1942 — General and Revenue Secretariat

Serial No.

October or even in November. To call for subject 6 months before the date of general meeting would not seem to be desirable and to this extent the objection of the Remembrancer of Legislative Assembly to give them time for fifteen days as in the case of the general meeting that the members may not lose sight of the time within which they have to send up the proposition seems to be in order. It seems therefore desirable that fifteen days notice is given for sending up the subjects. The membership of the Bank is not after all large being only 207. Consisting of 115 individuals and 31 Co-operative societies and 61 Rural Panchayat Societies. The membership is likely to go down in future with the gradual elimination of individual members. and it would not be difficult for the Bank to call for the subjects within fifteen days of the ensuing meeting. Hence to fix the time for calling for subject as the end of August does not seem acceptable. This amendment may also be referred back to the general body for suitable revision and approval before Govt set their seal to it.

Extract from report for 1941 enclosed

6/ Law Section may however be consulted before orders

Re bring up

17/12

11/12/42

11/12/42

7/ The objections raised at A as regards the amendment of Bye-law 65 (a) are for consideration. Even as at present the power to appoint an Honorary Treasurer is taken under Bye-law 65 (a) but in 63 the Bye-laws

Dated 18/12/42

The objection is formal & does not affect the powers or functions - Renumbering is not necessary.

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Dlc CS 68-42

Hony Treasurer is included as one of the office bearers of the Bank. So they have proposed to include the Vice President also along with the Hony Treasurer in Bye-law 65(a) undoubtedly the amendment as proposed do not seem to be correct in the order in which they are placed but it is for consideration whether on account of it, it is really necessary to refer them back, and for being recast in the manner suggested in the office note of what has to be done, the proper place for the proposed Bye-law 65(a) would be between 62 and 63 and has to be inserted as 62(a) the existing 65-(b) being termed as 65. Otherwise the proposed amendment of Bye-laws 63, 64, 65 and 68 may be approved, under Bye-law 87.

8) Besides Bye-law 82 is also proposed to be amended. Item IX is proposed to be added to the several items to be dealt with by the General Body & it runs as follows ie consideration of any subject recd from members by the end of August preceding the General meeting. When the Bye-laws do not prescribe the date within which the General Body meeting has to be held & therefore when it

Serial No.

Could take place in September or October in any year, it does not seem to be fair to fix the time limit for the sending up of subject by members as the end of August and deprive the members of the chance of sending up subject for long even that may something elapse between the General meeting and the end of August In the D.C. Bank Secretary's letter, it is pointed out that the General Meeting cannot possibly take place before the 3rd week of September and by fixing the time limit as the end of August there would be sufficient time for the notice in accordance with Bye-law no 86. In this Bye-law, the notice of date & place of meeting is required to be accompanied by the agenda paper which presupposes the receipt of intimation of subject by the members by that time. That means the members have to send their subjects at a time when they will not know the date of the meeting. That seems to be the reason why a definite date is proposed to be fixed for receipt of subject irrespective of the date of meeting whether in September, October & November This cannot be helped so long as the notice of the date of meeting & agenda have for to go together

Bye Laws of the L M Bank 1919

General and Revenue Secretariat — File No. 63 of 1942 — [App. F. III—2

Serial No.

9) But if the date of the meeting is intimated much earlier say a month before the date fixed, then the members could be asked to send their subject so as to reach the Bank 3 weeks or 21 days earlier than the date of the meeting. In that case, the agenda could be sent to the members, giving them 15 days clear notice. If this cannot be done, there seems to be no other alternative except to accept the amendment.

Gen Sec

10) The suggestion of Mr. S. Ramappa that the members may be given the opportunity to send up subject for discussion 15 days before the meeting cannot be accepted since it will not be possible in that case to send the agenda giving 15 days clear notice.

11) In these circumstances, the proposal as regards the amendment of Bye law 82 is for consideration and orders.

GENERAL SECRETARY. 2 : 1 : 194 COOK

Gen Secy) 30/12/42

The proposed amendments of the Byelaws of the L.M. Bank are all right & may be approved.

Minister for Edn. 13.1

OFFICE OF THE MINISTER FOR EDUCATION Date 5.1.43 No. 3244

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

1819
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63

File No. of 1942

General and Revenue Secretariat.

Serial No.

DOR Subd for adpn

19/1/43

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TYPING SECTION
21 JAN. 1943
GEN. & REV. SECTT.

The Registrar of CS.

A.N. 3888 Dt 22-1-43

Approves the amendments of bye-laws No 65(a), 68, 64(a), 64(b), 68, 85 and 82 of the Mysore Central Co-operative Land Mortgage Bank Ltd., as detailed in the appended Statement.

4 FEB. 1943

Letter No.S.I.518, dated 5th/6th November 1942 from the Secretary, The Mysore Central Co-operative Land Mortgage Bank, Ltd., Bangalore City to the Registrar of Co-operative Societies in Mysore, Bangalore.

I am directed to forward, herewith a copy of Resolution No.3 passed at the Thirteenth Annual General Meeting of the Bank held on 27-9-1942 in the matter of amendments to byelaws - Nos.65 (a), 63, 64 (d), 64 (e), 68, 85, and 82 of the Bank, and to state as follows:-

According to byelaw No.64 (e), whenever the President is obliged to absent himself from his office by indisposition or for any other cause, he has to report the matter forthwith to Government and pending their orders appoint one of the Directors to officiate for and exercise the powers and perform the duties of the President during his absence. Though such a contingency has occurred only thrice since the inception of the Bank, it would be inconvenient to make temporary arrangements for the President's work everytime he is obliged to absent himself from his office, and it would mean correspondence with the Government and the Bankers. To obviate this difficulty, it was considered desirable by the Board of Directors to have a Vice President for the Bank empowering him to exercise the powers and perform the duties of the President when the latter is absent from the office. At present, there is no provision in the byelaws for the appointment of a Vice-President, and hence necessary amendments to the byelaws have been passed by the General Body relating to the appointment of a Vice-President and the duties and powers he has to perform and exercise.

In the amendment to byelaw No.65 (a), the appointment of a Vice-President from among themselves by the Board of Directors is made subject the approval of Government. This is because the President is nominated by Government and the appointment of any person to function as President should have the approval of Government, to be in consonance with byelaw No.59 (a).

No.59 (a).

3 April 42

The General Secretary to Government in his letter No.A.F. 5466/ C.S. 15-41-14 dated 1-4-1942 to you, had stated that the amendment to byelaw No.82 giving seven days' notice for transacting any other business cannot be accepted as the same was in conflict with the Bank's byelaw No.86. With a view to give an opportunity to the members to send up propositions for discussion at the General Meeting, it was considered necessary to have a provision in the byelaws in this respect. Hence, an amendment to byelaw No.82 prescribing the time limit for sending up propositions by the end of August preceding the General Meeting has been passed by the General Body. The General Meeting cannot possibly take place before the third week of September, and by fixing the time limit as the end of August for members for sending up their propositions, there would be sufficient time for the notice in accordance with byelaw No.86.

Under the above circumstances, I am to request you kindly to move Government and obtain their approval to the amendments passed by the General Body and referred to in their Resolution.

"C O P Y"

jsp.18/11.

For Registrar.

Resolution No.3 passed by the General Body of the Mysore Central Co-operative Land Mortgage Bank Ltd., Bangalore City, at their meeting held on 27-9-1942.

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3. The Chairman said that before taking up the Election of Directors (3rd item of the Agenda), consideration of the amendments to the byelaws and the sanction of the budget estimates of expenditure for 1942-43 might be taken up. This was agreed to by all the members.

Subject:- Consideration of the amendments to the byelaws of the Bank:-

Mr. S. Srikantaya explained each amendment proposed and proposed that they may be passed. He also pointed out that byelaw No.85 also requires to be amended as a consequence of the other amendments and if the General Body had no objection it might also be included in the amendments. The members unanimously agreed to the inclusion of this amendment also and that it might be passed.

Mr. M.A. Narasimhachar said that the words "where one such is appointed" after "The Honorary Treasurer" in byelaw No.63 may be deleted since byelaw No.65 (b) indicates that the appointment of an Honorary Treasurer is compulsory. The President said that even when there was no Treasurer, byelaw No.65 (b) existed and the President was attending ~~for~~ to the duties of the Treasurer and that he did not consider it necessary to amend byelaw No.63.

Mr. K. Venkataramiah seconded the proposal that the amendments may be passed and it was unanimously resolved that the amendments to byelaws as detailed below be passed:-

EXISTING BYELAW.	BYELAW AFTER AMENDMENT.
65 (a) The Board of Directors shall have power to appoint one of themselves as Honorary Treasurer.	The Board of Directors shall have power to appoint from amongst themselves, an Honorary Vice-President and and Honorary Treasurer, who shall remain in office till the next Annual General Meeting or for such shorter periods as may be determined by the Board. The appointment of the Vice-President by the Board shall be subject to

	the approval of Government.
63. The following shall be the office bearers of the Bank:-	The following shall be the office bearers of the Bank:-
(1) The President;	(1) The President;
(2) The Honorary Treasurer, where one such is appointed;	(2) The Vice-President, if one such is appointed;
(3) The Secretary; and	(3) The Hon[illegible] Treasurer, where [illegible] such is appoi[illegible];
(4) Valuators.	(4) The Sec[illegible]y; and
	(5) Valuators.
64 (d) The President, if present, shall preside at the meetings of the Board. In the absence of the President, the other Directors present may elect a Chairman from among themselves to preside at the meeting.	The President or in his absence the Vice-President shall preside at the meetings of the Board. In the absence of the President and the Vice-President, the other Directors present may elect a Chairman from among themselves to preside at the meeting.
64 (e) Whenever the President is obliged to absent himself from his office by indisposition or for any other cause, he will forthwith report the matter to Government and pending their orders, appoint one of the Directors to officiate for and exercise the powers and perform the duties of the President during ~~x~~ his absence.	Whenever the President is obliged to absent himself from his office by indisposition or for any other cause, the Vice-President shall exercise the powers and perform the duties of the President during his absence.
68. It shall be competent to the President to direct that any particular question or questions be decided by circulation of papers by post or otherwise, among the members of the Board. ..... Board.	It shall be competent to the President or in his absence, the Vice-President, to direct that any particular question or questions, be decided by circulation of papers, by post or otherwise among the members of the Board, ... Board.
85. The President, if present, shall preside at the meetings of the General Body. xxxxx	The President, or in his absence the Vice-President, shall preside at the meetings of the General Body. xxxxx
82. **The following among other matters shall be dealt with by the General Body:-	**The following among other matters shall be dealt with by the General Body:-
** ** **	** ** **
(viii) Budget for the year.	(viii) Budget for the year.
	(ix) Consideration of any subjects received in the Bank from members by the end of August preceding the General Meeting.

With regard to the amendment to byelaw No.82, Mr. S. Ramappa of Srinivaspur stated that instead of the end of August, the

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the members may be given the opportunity to send up subjects for discussion 15 days before the General Meeting as the members are likely to lose sight of the time within which they have to send up the propositions. The Chairman said that it cannot be definitely said when the General Meeting would be held but in any case it was certain that it cannot be held before the middle of September since certain formalities had to be observed before the General Meeting and further the amendment passed at the last meeting that subjects might be sent up seven days before the meeting having been not accepted by Government, this amendment was proposed so as to be in consonance with the existing byelaws, at the same time affording an opportunity for the members to send up subjects for discussion.

xx xx xx xx xx

// Copy //

Secretary,
Mysore Central Co-op: Land Mortgage Bank Ld.

RR

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Appendix F. G.—1]

SUBJECT.....

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Section 65

File No. 63-42

Serial No. 2

Diary No. of letter replied to.....

No. A. F. 3883

To

The Registrar of Co-ops.

General and Revenue Secretariat

( )

the *194* .

Sir

I am directed to refer to your letter No 5073/Co-ops. dated the 19th Nov 42 and to convey approval to the amendments of bye-laws No 65(a), 63, 64(d), 64(k), 68, 85 and 82 of the bye-laws of the Imperial Central Cooperative Land Mortgage Bank Ltd as detailed in the appended Statement.

I have etc

Dr Secretary

Date of issue 22 Jan 43

Signed by .....

Type the portion marked in big brackets in the extract of proceedings flagged B.

List of enclosures.....

Copied by.....

Examined by.....

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. A.F. 3883/cs 63-42-2 *Dated Bangalore* 22nd January 1943.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.
General Department.

To

The Registrar of Co-operative Societies in Mysore,
Bangalore.

Sir,

With reference to your letter No.5073/CS dated the 19th November 1942, I am directed to convey approval of Government to the amendments of bye-laws No.65(a), 63, 64(d), 64(e), 68, 85 and 82 of * the Mysore Central Co-operative Land Mortgage Bank Ltd., as detailed in the appended statement.

I have the honor to be,
Sir,
Your most obedient servant,

Rangaswamy

For Secretary to Government,
General Department.

Above -

*

EXISTING BYELAW	BYELAW AFTER AMENDMENT
65(a) The Board of Directors shall have power to appoint one of themselves as Honorary Treasurer.	65(a) The Board of Directors shall have power to appoint, from amongst themselves, an Honorary Vice-President and Hon: Treasurer, who shall remain in office till the next Annual General Meeting or for such shorter periods as may be determined by the Board. The appointment of the Vice-President by the Board shall be subject to the approval of Government.
63. The following shall be the office bearers of the Bank:- 1) The President; 2) The honorary Treasurer, where one such is appointed; 3) The Secretary; and 4) Valuators.	63 The following shall be the office bearers of the Bank:- 1) The President; 2) The Vice-President, if one such is appointed; 3) The Honorary Treasurer, where one such is appointed; 4) The Secretary; and 5) Valuators.
64(d) The President, if present, shall preside at the meetings of the Board. In the absence of the President, the other Directors present may elect a Chairman from among themselves to preside at the meeting.	64(d) The President or in his absence the Vice-President shall preside at the meetings of the Board. In the absence of the President and the Vice President, the other Directors present may elect a Chairman from among themselves to preside at the meeting.

64(e) Whenever the President is obliged to absent himself from his office by indisposition or for anyother cause, he will forthwith report the matter to Government and pending their orders, appoint one of the Directors to officiate for and exercise the powers and perform the duties of the President during his absence.

64(e) Whenever the President is obliged to absent himself from his office by indisposition or for any other ~~xxxxx~~ cause, the Vice-President shall exercise the powers and perform the duties of the President during his absence.

68. It shall be competent to the President to direct that any particular question or questions be decided by circulation of papers by post or otherwise, among the members of the Board, ... Board.

68. It shall be competent to the President or in his absence, the Vice-President to direct that any particular question or questions, be decided by circulation of papers, by post or otherwise among the members of the Board .... Board.

85. The President, if present shall preside at the meetings of the General Body. xxxxxx

85. The President, or in his absence the Vice-President, shall preside at the meetings of the General Body. xxxxxxxxx

82.** The following among other matters shall be dealt with by the General Body:-

*** *** ***

(viii) Budget for the year.

82.** The following among other matters shall be dealt with by the General Body:-

*** *** ***

(viii) Budget for the year.

(ix) Consideration of any subjects received in the Bank from members by the end of August preceding the General Meeting.